

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DARRYL BEASLEY,

Case No. 19-cv-0799 (DWF/DTS)

Petitioner,

v.

REPORT AND RECOMMENDATION

MINNESOTA DEPARTMENT OF
CORRECTIONS and MARTIN COUNTY
SHERIFF DEPARTMENT,

Respondents.

In an order letter dated March 21, 2019 (ECF No. 2), the Clerk of Court informed Petitioner Darryl Beasley that the Court had received his Petition for Writ of Habeas Corpus (ECF No. 1), but had not received either the needed \$5.00 filing fee or a completed application to proceed *in forma pauperis* (IFP). Beasley was informed that if he did not pay the filing fee or apply to proceed IFP within 15 days—that is, by April 5, 2019—his case could be summarily dismissed without prejudice.

That deadline has now passed, and Beasley has not paid the filing fee or applied to proceed IFP. In fact, Beasley has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with the Clerk of Court's letter, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: April 26, 2019

s/David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).